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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY Law DEPUTY

JAMES W. ALCANTARA - State Bar No.: 152747  
Alcantara & Associates, APC  
402 West Broadway, Suite 1170  
San Diego, California 92101  
Telephone: (619) 233-5900  
Facsimile: (619) 233-5999  
Email: [jima@alcantaraassociates.com](mailto:jima@alcantaraassociates.com)

Attorneys for Plaintiff Gregory A. Strasburg,  
Individually and as Trustee of the Gregory A. Strasburg Revocable Trust dated 4/8/2003

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GREGORY A. STRASBURG, Individually  
and as Trustee of the GREGORY A.  
STRASBURG REVOCABLE TRUST dated  
4/8/2003

CASE NO.

'08 CV 0021 JLS BLM

Plaintiff,

IN ADMIRALTY

v.

EX PARTE APPLICATION FOR  
APPOINTMENT OF SUBSTITUTE  
CUSTODIAN AND FOR  
AUTHORIZATION FOR MOVEMENT  
OF DEFENDANT VESSEL

*M/Y JUST A NOTION*, Official Number  
1089525, her engines, tackle, furniture and  
appurtenances, *in rem*; PETER BLAIR, *in*  
*personam*; JIM SINGLETON, *in personam*;  
and THE YACHT CLUB, LLC., a Nevada  
Corporation

Federal Rules of Civil Procedure  
Supplemental Rules for Certain  
Admiralty and Maritime Claims,  
Rules C and D

Defendants.

COMES NOW Plaintiff Gregory A. Strasburg, Individually and as Trustee of the Gregory  
A. Strasburg Revocable Trust dated 4/8/2003 ("Plaintiff") by and through his attorney of record,  
respectfully requests that this Honorable Court issue an Order appointing Driscoll's Wharf as the  
substitute custodian of the Defendant Vessel, *M/Y JUST A NOTION* (the "Vessel"), is a 1999 self-  
propelled 70-foot motor yacht of fiberglass construction, federally documented by the U.S.  
Department of Homeland Security through the U.S. Coast Guard Official Number 1089525, her  
engines, boilers, tackle, apparel, furnishings, appurtenances, etc., and all other necessities  
thereunto appertaining and belongings ("Defendant Vessel"), and in support thereof represents as  
follows:

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1           1.       On or about January 3, 2008, the Complaint herein was filed praying the  
2       DEFENDANT VESSEL be arrested so that Plaintiff's demands regarding determination of true  
3       ownership and claims for other proper relief could be made.

4           2.       It is anticipated that the Clerk of this Court will, pursuant to Order of this Honorable  
5       Court and as urged in Plaintiff's Ex Parte Application for Order Authorizing Issuance of A Warrant  
6       for Arrest of Defendant Vessel, issue a Warrant for Arrest of the DEFENDANT VESSEL,  
7       commanding the United States Marshal for this District to arrest and take into custody the  
8       DEFENDANT VESSEL and to detain her in his custody until further order of this Court respecting  
9       same.

10          3.       It is accordingly contemplated that the United States Marshal will arrest the  
11       DEFENDANT VESSEL forthwith. Custody by the United States Marshal requires the services of  
12       one or more keepers, and does not include charges for wharfage and the other services usually  
13       associated with safekeeping vessels similar to the DEFENDANT VESSEL.

14          4.       DEFENDANT VESSEL is located currently at Kona Kai Marina, located at 1561  
15       Shelter Island Drive, Shelter Island, San Diego, California 92106. Driscoll's Wharf (through  
16       Catherine Driscoll) has agreed to assume the responsibility for safekeeping the said DEFENDANT  
17       VESSEL at a suitable slip at Driscoll's Wharf and to act as her custodian until further order of this  
18       Court. It will provide, as necessary under the circumstances, the following services for the  
19       safekeeping of the DEFENDANT VESSEL, at a cost not to exceed prevailing rates for substitute  
20       custodian services in the Port of San Diego, as described with further particularity in the  
21       Declaration of Kathy Driscoll.:

22               (a)     Assume custody of the DEFENDANT VESSEL from the United States  
23       Marshal at the place of her arrest, and move the Vessel to Driscoll's Wharf as soon as possible;

24               (b)     As soon as possible after assuming custody of the vessel, photograph and/or  
25       video tape the interior and exterior of the vessel, and prepare a written inventory of equipment and  
26       property on the vessel which is not installed as part of the vessel.

27               (c)     Periodically inspect mooring lines/fenders to assure safe and secure  
28       mooring;

(d) Periodically as deemed prudent under the existing circumstances, but no less than weekly, at the rate of \$50.00 per inspection, inspect the vessel for watertight integrity, excessive bilge water and fuel lubricant leaks. If it is determined that further action is necessary beyond those detailed herein Plaintiff shall notify its counsel, so counsel can seek an appropriate order from the Court.

(e) Provide at usual and customary rates prevailing in the port additional services such as cleaning, minor maintenance, inspection of bottom by a diver for the purpose of cleaning and reporting findings regarding underwater hull, metal and zinc conditions, as such services are deemed reasonably prudent and necessary.

(f) Machinery will be operated only as directed in a Court order.

(g) Provide other such services as may be required from time-to-time, by further order of the Court.

5. The substitute custodian will not sell the vessel, release the vessel to anyone and/or let anyone aboard the vessel, other than in the case of emergency.

6. Driscoll's Wharf, by the Declaration of Catherine Driscoll, avers that it has adequate facilities and supervision for the proper safekeeping of the DEFENDANT VESSEL and that it maintains insurance policies which protect it against occurrences of negligence during its custodianship. Further, in said Declaration the Substitute Custodian accepts, in accordance with the terms of the Order Appointing Substitute Custodian and Authorizing Movement of the Vessel, possession of the DEFENDANT VESSEL, her engines, boilers, tackle, apparel, furnishings, appurtenances, etc., and all other necessities thereunto appertaining and belonging, which is the subject of the action herein.

7. Plaintiff, in consideration of the U.S. Marshal's consent to the substitution of custodian, agrees to release the United States and the Marshal from any and all liability and responsibility arising out of the care and custody of the DEFENDANT VESSEL, her engines, boilers, tackle, apparel, furnishings, appurtenances, etc., and all other necessities thereunto appertaining and belonging, from the time the Marshal transfers possession of the DEFENDANT VESSEL over to said Substitute Custodian, and said Plaintiff further agrees to hold harmless and

1 indemnify the United States and the Marshal from any and all claims whatsoever arising out of the  
2 Substitute Custodian's possession and safekeeping.

3 WHEREFORE, Plaintiff respectfully requests that an Order issue:

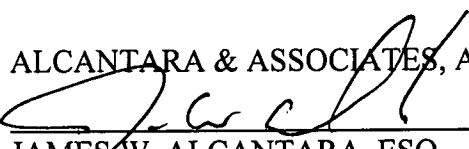
4 1. Authorizing and directing the United States Marshal for the Southern District of  
5 California, upon his seizure of said DEFENDANT VESSEL, her engines, boilers, tackle, apparel,  
6 furnishings, appurtenances, etc., and all other necessities thereunto appertaining and belonging,  
7 pursuant to the Warrant for Arrest, to surrender the possession thereof to the Substitute Custodian  
8 named herein, and directing that upon such surrender the U.S. Marshal shall be discharged from its  
9 duties and responsibilities for the safekeeping of said vessel, and held harmless from any and all  
10 claims whatever arising out of said substituted possession and safekeeping.

11 2. Appointing the Substitute Custodian named herein as the Substitute Custodian of  
12 said DEFENDANT VESSEL in this action, to retain her in its custody and possession for  
13 safekeeping, with authority to move her within its marina, for the aforementioned compensation, at  
14 the rates not exceeding those prevailing in the Port of San Diego and in accordance with the  
15 Declaration of Catherine Driscoll and the recitals herein contained, until further order of this Court.

16 3. Plaintiffs attorney will serve by mail a copy of said Order to the last known address  
17 of all named defendants.

18 RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of January 2008.

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20 ALCANTARA & ASSOCIATES, APC

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22 JAMES W. ALCANTARA, ESQ.  
23 Attorney for Plaintiff Gregory A. Strasburg,  
24 Trustee of the Gregory A. Strasburg Revocable  
25 Trust dated 4/8/2003  
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